

REMARKS

This is in full and timely response the Office Action mailed on December 19, 2008.

Claims 24, 29, and 40-59 are currently pending in this application, with claim 24 and 29 being independent.

No new matter has been added.

Reexamination in light of the following remarks is respectfully requested.

Entry of amendment

This amendment *prima facie* places the case in condition for allowance. Alternatively, it places this case in better condition for appeal.

Accordingly, entry of this amendment is respectfully requested.

Prematureness

Applicant, seeking review of the prematureness of the final rejection within the Final Office Action, respectfully requests reconsideration of the finality of the Final Office Action for the reasons set forth hereinbelow. See M.P.E.P. §706.07(c).

At least for the following reasons, if the allowance of the claims is not forthcoming at the very least and a new ground of rejection made, then a new non-final Office Action is respectfully requested.

Claim objections

Paragraph 1 of the Office Action includes a rejection to claim 41.

In response, while not conceding the propriety of the objection and in order to advance the prosecution of the present application, claim 41 has been amended.

Withdrawal of this objection is respectfully requested.

Rejection under 35 U.S.C. §103

Paragraph 5 of the Office Action includes a rejection of claims 24, 43-52, 57, and 58 under 35 U.S.C. §103 as allegedly being unpatentable over International Publication No. WO 02/25842 (Dowling) and in view of U.S. Patent No. 7,099,589 (Hiramatsu).

Paragraph 7 of the Office Action includes a rejection of claims 41 and 42 under 35 U.S.C. §103 as allegedly being unpatentable over International Publication No. WO 02/25842 (Dowling) and in view of U.S. Patent No. 7,099,589 (Hiramatsu), and further in view of U.S. Patent No. 5,218,466 (Brooks).

Paragraph 8 of the Office Action includes a rejection of claims 53 and 54 under 35 U.S.C. §103 as allegedly being unpatentable over International Publication No. WO 02/25842 (Dowling) and in view of U.S. Patent No. 7,099,589 (Hiramatsu), and further in view of “Optical Networks” (Ramaswami).

Paragraph 9 of the Office Action includes a rejection of claim 55 under 35 U.S.C. §103 as allegedly being unpatentable over International Publication No. WO 02/25842 (Dowling) and in view of U.S. Patent No. 7,099,589 (Hiramatsu), and further in view of “Optical Networks” (Ramaswami) and “Hot New Beam May Zap Bandwidth Bottleneck” (Service).

Paragraph 10 of the Office Action includes a rejection of claim 56 under 35 U.S.C. §103 as allegedly being unpatentable over International Publication No. WO 02/25842 (Dowling) and in view of U.S. Patent No. 7,099,589 (Hiramatsu), and further in view of “Optical Networks” (Ramaswami) and “Hot New Beam May Zap Bandwidth Bottleneck” (Service).

Paragraph 11 of the Office Action includes a rejection of claim 59 under 35 U.S.C. §103 as allegedly being unpatentable over International Publication No. WO 02/25842 (Dowling) and in view of U.S. Patent No. 7,099,589 (Hiramatsu), and further in view of U.S. Patent No. 6,198,230 (Leeb).

These rejections are traversed at least for the following reasons.

Claim 24 - Claim 24 is drawn to a communications system comprising:

a communications lighting apparatus having an illumination light source adapted to emit illumination light and an information-transmitting unit adapted to emit an optical signal,

wherein said information-transmitting unit has light sources, a light beam from one of said light sources being emitted independent of a light beam from another of said light sources, and

wherein said information-transmitting unit is mounted on said illumination light source.

Figure 4B of the specification as originally filed is provided hereinbelow.

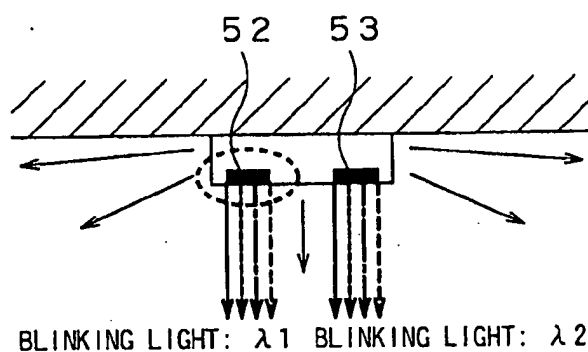


FIG. 4B

Claim 24 includes a communications lighting apparatus having an illumination light source (4) adapted to emit illumination light and an information-transmitting unit (5) adapted to emit an optical signal,

wherein said information-transmitting unit (5) has light sources (52, 53), a light beam from one of said light sources (52, 53) being emitted independent of a light beam from another of said light sources (52, 53).

Dowling - The Office Action readily admits that Figure 5 of Dowling fails to disclose, teach, or suggest a communication system wherein said information-transmitting unit has light sources, a light beam from one of said light sources being emitted independent of a light beam from another of said light sources (Office Action at pages 9-10).

Instead, the Office Action refers to Hiramatsu (Office Action at page 10).

- *Thus, Figure 5 of Dowling fails to teach a communication system wherein said information-transmitting unit has light sources, a light beam from one of said light sources being emitted independent of a light beam from another of said light sources.*

Figure 7 of Dowling is provided hereinbelow.

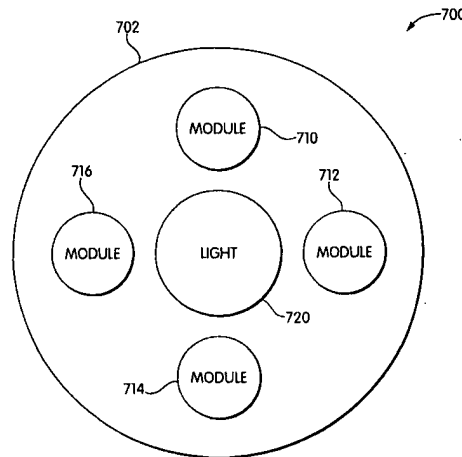


Fig. 7

The Office Action refers to Figure 7 of Dowling for the claimed features of a communication system wherein said information-transmitting unit is mounted on said illumination light source (Office Action at page 10).

In response, Dowling arguably teaches that the modular lighting subsystem 700 may include a base 702 that forms a universal platform for a number of modules 710, 712, 714, 716 (Dowling at page 44, lines 16-17). Each module 710, 712, 714, 716 may fit into a cradle within the base 702, which may be any shape adapted to receive the module (Dowling at page 45, lines 4-5).

The Office Action contends the mounting of module 716 onto base 702 in Fig. 7. Module 716 is an output device that may emit an optical signal (p. 45, I. 17-19) (Office Action at page 10).

In response, Dowling arguably teaches that the base 702 may include a light 720, such as an LED source or some other light source, and that the light 720 may form a discrete lighting area, such as a lens, within the base 702, or the base 702 may be formed of a diffusing material so that the light 720 provides illumination throughout the base 702 (Dowling at page 44, lines 18-21).

The Office Action appears to associate the base 702 of Dowling with an illumination light source (Office Action at page 10).

Additionally, the Office Action appears to associate the base 702 of Dowling with an illumination light source (Office Action at page 10).

Here, a fourth module 716 may provide output devices such as a speaker, an LED or LCD display, additional lights or LED's, or some other output device (Dowling at page 45, lines 17-19).

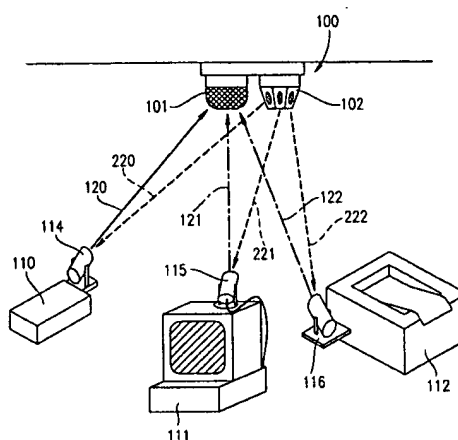
Nevertheless, Dowling fails to disclose, teach, or suggest that a light beam from one of the light sources of the fourth module 716 of Dowling is emitted independent of a light beam from another of the light sources of the fourth module 716 of Dowling.

- *Thus, Figure 7 of Dowling fails to teach a communication system wherein said information-transmitting unit has light sources, a light beam from one of said light sources being emitted independent of a light beam from another of said light sources.*

Hiramatsu - Hiramatsu arguably teaches that in FIG. 1, the transmitter-receivers 114 through 116 transmit beams toward the imaging receiver 101 (Hiramatsu at column 5, lines 56-59).

Figure 1 of Hiramatsu is provided hereinbelow.

FIG. 1



- *However, Hiramatsu fails to disclose, teach, or suggest a communications system wherein said information-transmitting unit is mounted on an illumination light source.*

Combination of Dowling and Hiramatsu - Hiramatsu fails to disclose, teach, or suggest any of the transmitter-receivers 114 through 116 being mounted on an illumination light source (Hiramatsu at Figure 1).

The Office Action asserts that Hiramatsu is not relied upon to address the feature of the information-transmitting unit being mounted on the illumination light source (Office Action at page 10).

Instead, the Office Action refers to Figure 7 of Dowling to address the feature of the information-transmitting unit being mounted on the illumination light source (Office Action at page 10).

Moreover, the teachings found within a single prior art reference can render a claim obvious. *Sibia Neurosciences Inc. v. Cadus Pharmaceutical Corp.*, 225 F.3d 1349, 1355-56, 55 USPQ2d 1927, 1931 (Fed. Cir. 2000). But when obviousness is based on a particular prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference. *B.F. Goodrich Co. v. Aircraft Braking Systems Corp.*, 72 F.3d 1577, 1582, 37 USPQ2d 1314, 1318 (Fed. Cir. 1996).

Here, Dowling fails to disclose, teach, or suggest element 132 as being mounted on an illumination light source (Dowling at Figure 5).

Likewise, Dowling fails to disclose, teach, or suggest the fourth module 716 as being controllable by a signal (Dowling at Figure 7).

Thus, the Office Action fails to provide any objective evidence to explain why the skilled artisan would have been motivated to modify the lighting subsystem 130 of Dowling by replacing element 132 of Dowling with the fourth module 716.

Hiramatsu arguably teaches the presence of a portable terminal 110 (Hiramatsu at column 5, line 46).

Nevertheless, Hiramatsu fails to disclose, teach, or suggest the portable terminal 110 being mounted on an illumination light source (Hiramatsu at Figure 1). Likewise, Hiramatsu fails to disclose, teach, or suggest the card-type transmitter-receiver unit 114 being mounted on an illumination light source (Hiramatsu at Figure 1).

Dowling fails to disclose, teach, or suggest the fourth module 716 as being a portable terminal 110 (Hiramatsu at Figure 1).

As a consequence, the Office Action fails to provide any objective evidence to explain why the skilled artisan would have been motivated to modify the modular subsystem 700 of Dowling by replacing the fourth module 716 of Dowling with the portable terminal 110 or card-type transmitter-receiver unit 114 of Hiramatsu.

Hiramatsu arguably teaches the presence of a computer 111 (Hiramatsu at column 5, line 46).

Nevertheless, Hiramatsu fails to disclose, teach, or suggest the computer 111 being mounted on an illumination light source (Hiramatsu at Figure 1). Likewise, Hiramatsu fails to disclose, teach, or suggest the card-type transmitter-receiver unit 115 being mounted on an illumination light source (Hiramatsu at Figure 1).

Dowling fails to disclose, teach, or suggest the fourth module 716 as being a computer 111 (Hiramatsu at Figure 1).

As a consequence, the Office Action fails to provide any objective evidence to explain why the skilled artisan would have been motivated to modify the modular subsystem 700 of Dowling by replacing the fourth module 716 of Dowling with the computer 111 or card-type transmitter-receiver unit 115 of Hiramatsu.

Hiramatsu arguably teaches the presence of a printer 112 (Hiramatsu at column 5, line 46).

Nevertheless, Hiramatsu fails to disclose, teach, or suggest the printer 112 being mounted on an illumination light source (Hiramatsu at Figure 1). Likewise, Hiramatsu fails to disclose, teach, or suggest the card-type transmitter-receiver unit 116 being mounted on an illumination light source (Hiramatsu at Figure 1).

Dowling fails to disclose, teach, or suggest the fourth module 716 as being a printer 112 (Hiramatsu at Figure 1).

As a consequence, the Office Action fails to provide any objective evidence to explain why the skilled artisan would have been motivated to modify the modular subsystem 700 of Dowling by replacing the fourth module 716 of Dowling with the printer 112 card-type transmitter-receiver unit 116 of Hiramatsu.

Brooks - Referring now to FIG. 3, Brooks arguably teaches a schematic diagram 300 of the components of the light apparatus 100 that includes the light sources 104 and 106 and the light detector 108 (Brooks at column 4, lines 10-13).

Nevertheless, Brooks fails to disclose, teach, or suggest wherein the light source 104 having light sources, wherein a light beam from one of the light sources is emitted independent of a light beam from another of the light sources.

Moreover, Brooks fails to disclose, teach, or suggest wherein the light source 106 having light sources, wherein a light beam from one of the light sources is emitted independent of a light beam from another of the light sources.

- *Thus, Brooks fails to teach a communication system wherein said information-transmitting unit has light sources, a light beam from one of said light sources being emitted independent of a light beam from another of said light sources.*

Leeb, Newton, Ramaswami and Service - Leeb, Newton, Ramaswami and Service either individually or as a whole, fail to disclose, teach, or suggest a communications system wherein said information-transmitting unit is mounted on an illumination light source.

Moreover, Leeb, Newton, Ramaswami and Service either individually or as a whole, fail to disclose, teach, or suggest a communications system wherein said information-transmitting unit is mounted on an illumination light source.

Withdrawal of these rejections and allowance of the claims is respectfully requested.

Paragraph 6 of the Office Action includes a rejection of claims 29 and 40 under 35 U.S.C. §103 as allegedly being unpatentable over International Publication No. WO 02/25842 (Dowling) and in view of U.S. Patent No. 7,099,589 (Hiramatsu), and further in view of "Newton's Telecom Dictionary" (Newton).

This rejection is traversed at least for the following reasons.

Figure 3 of the specification is provided hereinbelow.

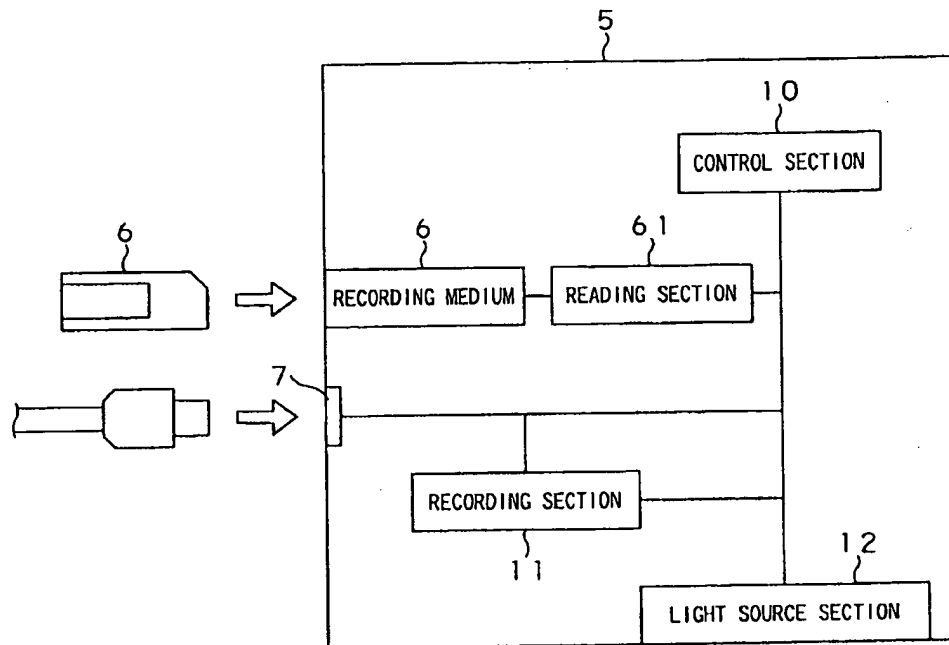


FIG. 3

Claim 40 - Claim 40 is drawn to a communications system according to claim 24, wherein said information-transmitting unit includes a recording medium and a reading section,

said reading section being adapted to read information stored in said recording medium,

said recording medium being removable from said information-transmitting unit.

Claim 29 - Claim 29 is drawn to a communications system comprising:

a communications lighting apparatus having an illumination light source adapted to emit illumination light and an information-transmitting unit adapted to emit an optical signal,

wherein said information-transmitting unit has light sources, a light beam from one of said light sources being emitted independent of a light beam from another of said light sources, and

wherein said information-transmitting unit includes a recording medium and a reading section,

said reading section being adapted to read information stored in said recording medium,

said recording medium being removable from said information-transmitting unit.

Dowling - With reference to Figure 5, the Office Action appears to associate element 132 of Dowling as an illumination light source 132, and appears to associate element 136 of Dowling as an information-transmitting unit 136 (Office Action at page 6).

The Office Action readily admits that Dowling fails to disclose, teach, or suggest a communication system wherein said information-transmitting unit has light sources, a light beam from one of said light sources being emitted independent of a light beam from another of said light sources (Office Action at pages 9-10).

- *Thus, Dowling fails to teach a communication system wherein said information-transmitting unit has light sources, a light beam from one of said light sources being emitted independent of a light beam from another of said light sources.*

Furthermore, Dowling fails to disclose, teach, or suggest that *the alleged information-transmitting unit 136 includes a recording medium and a reading section* (Dowling at Figure 5).

- *Thus, Dowling fails to teach a communication system wherein said information-transmitting unit includes a recording medium and a reading section, said reading section being adapted to read information stored in said recording medium.*

The Office Action readily admits that Dowling fails to disclose, teach, or suggest the presence of a recording medium that is removable from the information-transmitting unit (Office Action at page 6).

- *Thus, Dowling fails to teach a communication system having said recording medium being removable from said information-transmitting unit.*

Newton - Newton fails to teach a communication system wherein said information-transmitting unit has light sources, a light beam from one of said light sources being emitted independent of a light beam from another of said light sources.

Withdrawal of these rejections and allowance of the claims is respectfully requested.

Official Notice

There is no concession as to the veracity of Official Notice, if taken in any Office Action.

An affidavit or document should be provided in support of any Official Notice taken. 37 CFR 1.104(d)(2), MPEP § 2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

Fees

The Commissioner is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm).

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Conclusion

This response is believed to be a complete response to the Office Action.

Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

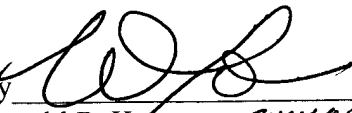
For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance.

Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: January 21, 2009

Respectfully submitted,

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